

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING
CASPER DIVISION

THE TRIAL LAWYERS COLLEGE,)	
a nonprofit corporation)	
)	CIVIL ACTION NO. 1:20-cv-0080
Plaintiff,)	
)	
v.)	
)	_____
)	JUDGE CARSON
GERRY SPENCES TRIAL)	
LAWYERS COLLEGE AT)	MAGISTRATE JUDGE CARMAN
THUNDERHEAD RANCH, a)	
nonprofit corporation, and GERALD)	
L. SPENCE, JOHN ZELBST, REX)	
PARRIS, JOSEPH H. LOW, KENT)	
SPENCE, DAN AMBROSE, and)	
JOHN JOYCE, individuals.)	
Defendants.		

PLAINTIFF AND THIRD PARTY DEFENDANTS' WITNESS LIST

Plaintiff The Trial Lawyers College (“TLC”) and Third Party Defendants James R. Clary, Jr., John Sloan, Milton Grimes, Dana Cole, Maren Chaloupka, and Anne Valentine (“Third Party Defendants”)¹ hereby provide their Witness List in this matter pursuant to this Court’s Scheduling Order (Rec. Doc. 139) and Order Granting in Part and Denying in Part Motion to Continue (Rec. Doc. 154), whereby the Witness List deadline was extended to April 26, 2021. In submitting this Witness List, TLC and Third Party Defendants do not waive any objections to relevance, materiality, privilege, or admissibility of evidence in this action or any other action or proceeding.

¹ Third Party Defendants specifically note that they have moved to dismiss the claims against them for lack of standing and personal jurisdiction and for failure to state a claim, and that nothing contained in this Notice should be construed as a relinquishment or waiver of those rights as asserted. *See* Rec. Docs. 103, 104, 120, 121.

TLC AND THIRD PARTY DEFENDANTS' WITNESS LIST

In accordance with the parameters outlined in the Court's Scheduling Order (Rec. Doc. 139), TLC and Third Party Defendants identify the following individuals as witnesses that may be called at trial:

1. All individuals listed as having relevant information in TLC's Initial Disclosures, to testify regarding information related to the willfulness and/or bad faith of Defendants' actions; relevant information and/or documents produced in discovery; and the facts or circumstances related to the claims and defenses in this case.
2. A representative of TLC, to testify regarding information related to the willfulness and/or bad faith of Defendants' actions; relevant information and/or documents produced in discovery; and the facts or circumstances related to the claims and defenses in this case.
3. Beth Kushner, to testify regarding the facts and circumstances surrounding the creation of the entity Gerry Spence's Trial Lawyers College at the Thunderhead Ranch ("GSTLC") or any other organization/entity with which the Defendants are affiliated that offers or intends to offer trial skills training; any and all listservs affiliated with Defendants; Ms. Kushner's non-privileged communications with Defendant Rex Parris (and/or other individuals) regarding GSTLC and/or trial skills listservs; confusion among TLC alumni as a result of Defendants' actions; information related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.

4. Bill Wyson, to testify regarding the facts and circumstances related to Defendants' planned three-week trial college in August and September 2021 (or at another time if Defendants reschedule the event); information related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.
5. Bill Trine, to testify regarding the facts and circumstances related to Defendants' actions giving rise to this lawsuit; Mr. Trine's interactions with TLC, TLC alumni, and others regarding Defendants' actions giving rise to this lawsuit; information related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.
6. A representative from R. Rex Parris, a Professional Corporation, regarding the communications and actions of individuals purporting to be members of the TLC Board of Directors from May 6, 2020, to the present, including but not limited to the communications and actions of Rex Parris, Gerald Spence, Kent Spence, John Zelbst, Joseph Low, Haytham Faraj, Adrian Baca, Sylvia Torres-Guillen, Hunter Hillin, Jody Amedee, and LaNelle "Imaging" Spence, and specifically including by not limited to correspondence sent from or received by the e-mail account TLCBoard@parris.com; information related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.

7. Lori Schmidt, Financial Officer for TLC, regarding Ms. Schmidt's communications with TLC alumni in light of Defendants' actions from late April 2020 to the present, specifically insofar as Defendants represented themselves as the TLC Board of Directors and used without authorization TLC's trademarks, and including but not limited to confusion caused by Defendants' actions, and also regarding information and documents maintained by TLC that relate to the claims and defenses in this case; information related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.
8. Nancy Shore, Registrar for TLC, regarding Ms. Shore's communications with TLC alumni in light of Defendants' actions from late April 2020 to the present, specifically insofar as Defendants represented themselves as the TLC Board of Directors and used without authorization TLC's trademarks, and including but not limited to confusion caused by Defendants' actions, and also regarding information and documents maintained by TLC that relate to the claims and defenses in this case; information related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.
9. Melissa Butcher, former Director of Communications for TLC, regarding Ms. Butcher's communications with TLC alumni in light of Defendants' actions from late April 2020 to the present, specifically insofar as Defendants represented themselves as the TLC Board of Directors and used without authorization TLC's trademarks, and including but not limited to confusion caused by Defendants' actions; information

related to the willfulness and/or bad faith of Defendants' actions; any other relevant information and/or documents produced in discovery; and any other facts or circumstances related to the claims and defenses in this case.

10. Tuan Pham, expert for TLC, regarding Mr. Pham's expert opinions, including but not limited to damages incurred by TLC as a result of Defendants' actions and Mr. Pham's rebuttal of opinions offered by Scott Cragun, expert for Defendants, and any other facts or circumstances related to the expert opinions in this case.
11. Scott Cragun, expert for Defendants, regarding his expert opinions set forth in this matter and any other facts or circumstances related to the expert opinions in this case.
12. Any witness needed to authenticate an exhibit in this case.
13. Any witness listed by any other party in this matter related to the claims and defenses in this case.

Dated: April 26, 2021

Respectfully submitted,

THE TRIAL LAWYERS COLLEGE

/s/ Christopher K. Ralston

Christopher K. Ralston, (La. Bar #26706)

(Admitted *pro hac vice*)

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(Admitted *pro hac vice*)

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By: /s/ Patrick J. Murphy
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**ATTORNEYS FOR PLAINTIFF THE TRIAL
LAWYERS COLLEGE**

CERTIFICATE OF SERVICE

I hereby certify that true and correct copy of the foregoing document has been served via ECF and/or e-mail this 26th day of April, 2021.

/s/ Christopher K. Ralston
Christopher K. Ralston